



CITY OF MORGAN HILL

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## PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

FEBRUARY 26, 2002

**PRESENT:** Acevedo, Benich, Lyle, McMahon, Mueller, Sullivan, Weston

**ABSENT:** None

**LATE:** None

**STAFF:** Senior Planner (SP) Linder, Senior Engineer (SE) Creer, and Minutes Clerk Johnson

Chair Sullivan called the meeting to order at 7:00 p.m.

### DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

### OPPORTUNITY FOR PUBLIC COMMENT

Chair Sullivan opened the public hearing.

With no persons indicating a wish to speak, the public hearing was closed.

### MINUTES:

**FEBRUARY 12,  
2002**

#### **COMMISSIONERS MUELLER/ MCMAHON MOTIONED TO APPROVE THE FEBRUARY 12, 2002 MINUTES AS WRITTEN, WITH THE FOLLOWING AMENDMENTS:**

Page 1 sentence 3: Add *had not*

Page 4 paragraph 6 last sentence ~~Commissioner McMahon~~ Chair Sullivan

Page 4 paragraph 11 (correct) Benich.... , and application *goes*

Page 6, next to last paragraph: add *comprehensive R2 and R3* before "area".

Page 16 paragraph 3: add *which will ultimately be replaced by housing* after "orchards".

Page 16 (within motion) **LIGHTING IS TO BE CONTROLLED BY REMOTE ELECTRONIC  
DEVICE.**

Page 19 paragraph sentence 10 fifth line: replace 14 with 19

Page 24 paragraph 5 last line: 4, not "r"

Page 25 paragraph 5 first sentence: replace 10-12 with 10 of 11

**THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**CONSENT CALENDAR:**

**1) DAA-01-01:** A request to amend the development agreement for the 14 Ph. III units of a 54-unit single family subdivision located on the south side of E. Dunne Ave., adjacent to the church located at 1790 E. Dunne Ave., to extend the deadline to commence construction.  
**E. DUNNE-TROVARE PH III**

**COMMISSIONERS MUELLER/LYLE MOTIONED TO APPROVE THE CONSENT CALENDAR WHICH PROVIDED FOR ADOPTION OF RESOLUTION NO. 02-15a, RECOMMENDING DENIAL OF A DEVELOPMENT AGREEMENT AMENDMENT FOR MEASURE P PROJECT MP-00-29: E. DUNNE - MONTEREY BAY DEVELOPERS LLC (TROVARE) FOR A ONE YEAR EXTENSION OF TIME. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**LEGALLY NOTICED PUBLIC HEARINGS**

Chair Sullivan reported that, as a result of the workshop this evening, emphasis would be on hearing staff reports on items 10-9-3-2-5-11-4 following discussion of global issues. She stressed that it was not the Commissioners intent to award allocations during this meeting, but to receive information. Commissioners heard SP Linder explain the point scoring and adjustments recommended. It was noted that the results of the scoring was as follows:

**2001 MP Applications**

	<u>Score</u>
MP 01-10: Central-So. Valley Developers	184
MP 01-09: Central-Warmington	183
MP 01-03: Mission View-Mission Ranch	179
MP 01-02: Cochrane-Coyote Estates	178
MP 01-05: Llagas-Delco (west side)	176
MP 01-11: Sunnyside-So. Valley Developers (west side)	175
MP 01-07: Schaffer-Bamdad (small project)	174
-----Proposed Cut Off-----	
MP 01-04: Tilton-Glenrock (west side)	171

MP 01-01: Peet-Alicante	169
MP 01-08: Barrett-Ditri (small project)	166
MP 01-06: Hill-Gera	165.5

SP Linder was asked to present the global issues that had been identified, with Commissioners discussing those that emerged.

Global Issues:

(1) When a project contains both R1 and R2, how are TDCs (Transfer Development Credits) awarded? An attempt to 'level the playing field' for R2 designations has been made for this competition, but direction to staff is needed. Under discussion, Commissioners said it appears that now developers can claim double points, which raises other issues.

Commissioner Mueller said that under the General Plan, developers are encouraged to provide increased numbers of mixed units, and the method (R1 and R2 considered for increased TDCs) seems to meet the requirements of the General Plan.

Commissioner Lyle pointed out that the matter of mixed units was covered in other scoring areas.

Following extensive discussion of the issue, staff was directed to return with recommendation for scoring such projects, perhaps describing a formula for weighing the R1 and R2 issues in a reasonable manner. Commissioners agreed that little could be done to change the current formula, but said emphasis would be given to the issue for next year.

(2) Category ORDERLY AND CONTIGUOUS: SP Linder pointed out that in comparing currently submitted master plans with those previously viewed, there are cases when the plan does indicate an increase in the project. Does this plan receive points for Orderly and Contiguous on the basis of past practice?

Commissioners noted that it might happen on the basis of changes in the adopted General Plan; if the newly submitted project plans indicate agreement with the General Plan, then points need to be given.

Chair Sullivan spoke of the difficulty in changing to meet new rules when many of the decisions regarding Measure P applications were based on historical precedence.

Commissioner Mueller said that if the land is in an RPD, the land itself couldn't change, but a reconfiguration of the units could change, causing it to be a 'continuing project', and that should be awarded points.

Commissioners discussed philosophies regarding:

- sizes at the beginning of projects
- projects being 'grandfathered'
- the addition of land in continuing applications

→ potential changes from R1 to R2 within a project

Staff was asked to clarify how many projects might be affected by this global issue to the point of requiring major revisions in the scoring.

(3) Treatment of BMRs in the combined R1 and R2 projects. Commissioner Lyle said that this was an attempt to solve some problems, but it has created more. Considerable discussion ensued with Commissioners identifying problems associated with the issue: how to fairly award the points when each category (R1 and R2) could qualify for points without being unfair to other applicants; difficulty of defining a project under the criteria stated; and the need to be 'literal' in interpreting the wording provided.

Commissioners Acevedo, Benich, McMahon, and Mueller said that the criteria as established would stand for the allocations this year. Commissioners Lyle, Sullivan, and Weston indicated a change was warranted in view of the issue(s) being clouded.

Commissioner McMahon asked staff to comment on how the 'standard measure' for distances from schools are calculated in the applications.

SP Linder responded, "As a child walks."

Commissioner Lyle commented that with development occurring, the measurements may have to be 'as the crow flies'.

SP Linder said she would speak to the scoring, noting there were some minor adjustments to the applications - mostly mathematical errors - but that all issues raised by the developers had been studied.

SP Linder presented the staff report. At the request of the Commissioners, SP Linder indicated the suggested Public Hearing procedure, recommending that the Commission utilize the format used for the public hearings last year. Prior to the start of the public hearings, it was recommended that the Planning Commission reach a consensus on any "global issues" with respect to the methodology for assigning points. Once a consensus is reached on the proper scoring method, no further discussion on a project-by-project basis would be necessary except to acknowledge that the agreed upon methodology would result in a scoring adjustment for a given project. She complimented Commissioners and Chair Sullivan on being forward thinking in the application of "ground rules" for conducting the public hearings, as this benefits the applicants and the public, as well.

In order to finish the public hearing for the eleven Measure P applications at the February 26 meeting, SP Linder suggested, the Planning Commission may wish to limit the public hearing time on each proposal. In the past, she reminded, the Commission has conducted the public hearings in the following manner: Comments by applicants should be limited to three minutes per project. Additional time should be provided to projects scoring 174 points or above that are in line for a possible building allotment, with 5 minutes being suggested.

SP Linder proposed that at the close of each Public hearing, the Planning Commission focus on issues that would result in a change of points, and direct staff to change points

on those items with a majority of the Commission requesting reevaluation. She noted that a possible modification in the point scores may result from this further review.

To expedite the overall review process, SP Linder advocated, the Commission will be encouraged to limit its review to projects that are in close competition for the available building allotment. Alternatively, she disclosed, if a project, based on the initial scoring, is well down on the list of eligibility, then the Commissioners may not want to spend a lot of time discussing the individual scoring adjustments for that project.

Written responses to staff recommendations were encouraged from applicants. Those responses received by the deadline of February 21, 2002, were provided to the Commissioners for review, SP Linder explained.

Based on policy direction received from the Planning Commission at the February 26 meeting and review of the testimony and written comments received, SP Linder said that further evaluation of each project will be conducted. This further review may result, she said, in adjustments to the recommended point scores for some projects. She indicated that a final decision regarding the point assignments for each project and on the award and distribution of building allocations is scheduled for the March 26 meeting.

To assist staff in our final review, SP Linder continued, staff was requesting that Commissioners identify the specific criteria within the Part 1 or Part 2 evaluation categories that should be reevaluated. Also, given the short turnaround times, she said, between the public hearings and the meeting date for final action, Commissioners were asked to limit requests for reevaluation only in those areas where the point adjustments would change the total point score for a project in a given category or affect a project's eligibility to receive a building allotment. It would also be helpful for everyone, SP Linder said, if the requests for scoring changes are limited to those projects and specific criteria where the Commission, by majority, agreed the item should be revisited.

Addressing the scoring methodology for new criteria, SP Linder reminded that at the February 12 meeting the Commission discussed the application of criteria number 5 under the Quality of Construction category. Proposed project phase(s) which are judged by the Planning Commission to be superior with respect to overall project excellence would receive one additional point.

The Commission requested, at that same meeting, that ballots be drafted to allow the Commissioners to write comments and vote for each project where it was felt the stated criteria had been met. SP Linder announced, "All but one of the projects received the maximum points in the Quality of Construction category. The project that did not receive the maximum point is very low in the overall ranking of the project scores." Consequently, she said, staff recommends that the Commission not go through the scoring exercise since all of the top scoring projects have the maximum score possible in the Quality of Construction category. However, SP Linder maintained, should the Commission wish to go through the scoring exercise, a ballot was prepared as directed and provided with the Commissioners' meeting information. With the Planning Commission identifying and reaching a consensus on "global issues", as had occurred earlier in the meeting, staff recommended no further discussion on a project-by-project basis occur except to acknowledge that the agreed upon methodology would result in a scoring adjustment for a given project.

Reiterating the global issues identified so far, SP Linder listed Open Space Criteria 3 a., b., c. which read:

3. a. The project will receive three points for a commitment to purchase Transferable Development Credits (TDCs) from property owners with land of greater than twenty percent slope. (Based upon the cumulative project to-date ratio of one TDC for every twenty-five dwelling units proposed.), OR
- b. Projects of 24 units or less which do not provide a common park or open space will receive six points for a commitment to purchase double TDC's OR
- c. Projects zoned R-2, R-3, or similar or higher density classification will receive 6 points for a commitment to purchase double TDC's.

Should projects containing areas of both R-1 & R-2 zoning be eligible for points under 3a. and 3b? This issue would affect the scoring in applications MP-01-04 & MP-01-10. MP application 01-05 did not request points under both 3a. & 3c.

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SP Linder revisited the global issue of Orderly and Contiguous (4) noting a proposed development, which is a subsequent phase of a previously approved project that has been awarded allotments, provides for the continuous extension of existing development. A proposed development which is a subsequent or final phase of a previously allocated development and consists of 30 dwelling units or less shall be awarded two points. To qualify for any points under paragraph B4, the proposed development at total build-out, shall not exceed the number of units proposed in the original development application from which the project had been awarded an initial building allotment, unless approved by the Planning Commission prior to the ~~competition~~ competition's application submission deadline. She continued by saying that the number of units requested for each subsequent fiscal year shall be no more than 25% above any single highest year allotment for the proposed project to a maximum of 30 units. The 25% or 30-unit limit includes any units already allocated to the project in that fiscal year as a result of a prior fiscal year competition. Earlier phases of development must also be in compliance with the development schedule approved for the project. Questions have been raised, SP Linder said, such as: If additional units were added within the same project boundary to a project to take advantage of the new General Plan change, which encourages R-1 projects to have up to 25% attached units, should a project still get the points? Over and above the BMR units committed in this section, provides an additional 10% detached units in an R-2 project or an additional 10% attached units in an R-1 project. Should this be applied to the overall project, or 50% of the overall project or just the current phase being considered? Should R-1 areas of a project have attached units and the R-2 areas have detached? This issue would affect the scoring in applications MP-01-04, MP-01-05 & MP-01-10, she disclosed.

Having reiterated the concerns of the various global issues, SP Linder said, "At the close of the public hearing for each Measure P application, it is recommended the Planning Commission give direction to city staff on those categories in each project evaluation that should be given further review."

Since the time for hearing the scoring process had arrived and the applicants would be given the opportunity to speak to each as they wished, the previously announced order of application hearing was commenced.

**NEW BUSINESS:**

Chair Sullivan opened the public hearing

**2. RDCS  
COMPETITION**

**APPLICANTS FOR THE FOLLOWING PROPOSED RESIDENTIAL DEVELOPMENTS HAVE REQUESTED A BUILDING ALLOTMENT UNDER THE CITY'S RESIDENTIAL DEVELOPMENT CONTROL SYSTEM PURSUANT TO CHAPTER 18.78 OF THE MORGAN HILL MUNICIPAL CODE:**

**j) MEASURE P, MP-01-10: CENTRAL-SOUTH VALLEY DEVELOPERS:** A request for Measure P allocations for Fiscal Year 2003-2004. The project is Phases 5 & 6 (46 units) of the 163 unit single and multi family "Central Park" development proposed on a 20.67 acre portion of 30 acre site located on the northerly extension of Calle Hermosa, north of Central Avenue. Score 184: SP Linder said this is one where a scoring error had been detected; consequently, in the Natural and Environmental category, an additional two points had been awarded, causing the final score to be adjusted from 184 to 186.

Scott Schilling, 16060 Caputo Dr. #160, applicant, was present to speak to the matter. Mr. Schilling said he disagreed with staff regarding some of the global issues, noting that there were changes from last year which prohibited scoring from being consistent. Commissioners agreed this could evolve into an issue and asked staff to review it, taking note that Mr. Schilling had asked the policy to be made more liberal.

Mr. Schilling also called attention to the Central Park application, stating that issue #4, Schools, is conflicting with the actual application. Commissioner Lyle clarified the matter by stating that the issue is in the definition of 'safe walking paths', noting that in the past the requirement was for the path(s) to be in place to be considered as viable to the project. Staff was requested to look at this item to ensure consistency. Discussion ensued as to the intent/meaning of safe passage to schools. Sidewalk construction materials were also discussed at length. Sidewalks linking to private pedestrian and bicycle paths were of concern, with staff receiving direction for review of the item.

On addressing the Open Space issue, Mr. Schilling called attention by saying the project under discussion has a 'significant amount of open space' with the 10 acres of R-2, requesting the matter receive scrutiny again.

**i) MEASURE P, MP-01-09: CENTRAL-WARMINGTON:** A request for Measure P allocations for Fiscal Year 2003-2004. The project is Phases 3, 4 & 5 (45 units) of the 86 unit single family "Morgan Lane" development located on a 10 acre portion of a 28.34 acre site on a northerly extension of Lancia Drive on the north side of East Central Avenue. Score 183: SP Linder noted there were no scoring adjustments for this application.

Carolyn Hipp, 3160 Crow Canyon Place #200, San Ramon, Project Manager, Northern California Division of Warmington Homes, said that she wished to call attention to two items in response to staff's scoring of the project:

The global issue of Schools has caused concern, Ms. Hipp indicated. This project was awarded the full one point for this criteria during the 2001 Conceptual Review Measure

P Scoring. The criterion under B.2.a reads: "A safe route is defined as providing continuous sidewalk and/or paved pedestrian pathways, crosswalks and caution signals at designated street intersections between the project and a school site. Warmington received points in the official 2000 Measure P competition for committing to install a continuous pathway from the project site to Live Oak High School. In addition, Warmington Homes has committed to install the pathway and traffic safety improvements, which clearly satisfy this criteria.

We respectfully ask, Ms. Hipp appealed to the Commissioners, that the scoring be consistent with staff's preliminary recommendation to award this one point, resulting in an overall score of 22 points for this section.

Ms. Hipp said that her company supported the comments made by Mr. Schilling in his presentation on the previous item.

Ms. Hipp also asked reconsideration of Lot Layout and Orientation. The project acquired the full points for satisfying this criteria in the year 2000 Measure P competition. Even under the new 2001 criteria, this project still has the majority of lots viewing open space/park areas greater than 60 feet, per the zoning code. The project has an approved Tentative Map on the first two phases of 41 allocations. In specific, Lots 42-46, 50-51, 55-57. and Lot 59 view to open/park space. Eleven of the fifteen units requested in this 2001 competition view directly to open/park space in excess of 60 feet per this criteria. This is in excess of a 50 percent majority for this Measure P application, she said.

Ms. Hipp concluded by asking that the Commission award the project the full one point for satisfying this criteria, stating that 'our final score is a total of 15 points for this section'.

Discussion ensued regarding the Schools Category.

Commissioner Mueller stated that if the projects got a point last year for committing to build sidewalks to schools, he could not find a reason for change this year.

Commissioner McMahon commented there is a need for consistency.

Staff was directed to research last year's scoring to see what had actually occurred and to insure consistency for the current projects.

Commissioner Lyle called attention to pages 57 and 58 of the application under discussion, whereby Circulation was scored. He said the application clearly states the applicant is "to install a bus stop", noting, however, that ~~this is tied into the talk of a future phase of the development.~~ "the criteria requires future phases of the development to be within .25 miles walking distance of the bus stop".

Mr. Schilling reentered the discussion by saying that distance/measurements must be clarified in several areas.

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*Items c and b were reported concurrently.*

c) **MEASURE P, MP-01-03: MISSION VIEW-MISSION RANCH:** A request for

Measure P allocations for Fiscal Year 2003-2004. The project is Phase 7 of the "Mission Ranch" development & consists of 20 single family residential dwellings on 18.98 acres located on the southwest corner of Cochrane Road and Peet Avenue on the easterly extension of Mission Avenida. Score 179: SP Linder noted there were no scoring adjustments for this application.

Dick Oliver, 275 Saratoga Ave, #105, appeared to speak to the two projects' issues. Regarding MP-01-03: Mission View-Mission Ranch, he offered the following general comments: Mission Ranch has been an on-going project since its original allocation for building allotments received in the October 1, 1994 Measure P Competition. The Mission Ranch Project is on land that was within the original Cochrane Road Assessment District, and for the record, it has consistently been our position that as a result of the various legal decisions and the executed Consent Decree that there should be some recognition for additional points, Mr. Oliver noted. Lastly, he continued, when the application was submitted, we had obtained approval from the Borello Family for the adjoining school site and the Morgan Hill Unified School District was set to designate the site. Unfortunately, after our submission the Borello Family withdrew their offer pending further review with all their family members, thus negating several points that would otherwise have been appropriate. That being said, we have the following specific items to address:

In the Orderly and Contiguous category, on pages 17-18, item 3, Mr. Oliver stated a belief that staff had not counted as part of the developed contiguous area the frontage of the Mission Ranch Project within Phase 5. Phase 5 had an approved Development Agreement prior to December 1, 2001 and based upon the criteria, the additional project frontage should be counted. That would increase the frontage from 29% to 45.3%, he said, which would qualify for an adjustment of +1 point.

Item 2, Mr. Oliver said, calls attention to page 50, Quality of Construction, item 5. This item has not been scored, since it is a subjective point by the Commission. We would emphasize that Mission Ranch for all the reasons stated in the narrative and by way of a site visit; we believe that the plan merits the discussed subjective scoring of 1 point. The retention of view corridors from Mission View, Cochrane Road and Peet Road into the site, he commented, the protection of agricultural lands, the making available a well site for the City, the entry monumentation including a new monumentation at the entrance off of Peet Road are all significant contributions to the community as well as those living within Mission Ranch. However, Mr. Oliver said, unless there is a subtraction of points in this category, the granting of this point would not affect the overall score.

Looking at pages 52 and 53, Lot Layout, item 2a, Mr. Oliver stated: In the previous two Measure P competitions Mission Ranch has been awarded the point in this subsection. Staff is evidently changing its methodology and has interpreted this subsection by counting the number of lots that front on open space. As an ongoing project, we cannot at this late date again revise our site plan and internal open space. We respectfully suggest that view preservation is more than just front yards, it is the view from rear yards, the existence of nearby mountains or hills, the view from both external and internal streets as residents and community drivers pass by or into the project and the overall orientation of homes and streets.

Mr. Oliver maintained: Given that perspective, all homes on cul-de-sacs have a view of the open spaces as they come in and out of their homes, all the homes near the 150'-200' agricultural buffers have views to a significant open space, every car driving past the project on Mission View and Cochrane Road has very significant views of open space within the project. The Peet Road buffer is significant, and all homes will look over this buffer toward the hills that are in very close proximity. Mission Ranch should be awarded +1 point.

Commissioner Benich pointed out that there was an omission of the price range of the houses in the development. Mr. Oliver apologized, stating he would provide that data to staff to be transmitted to Commissioners.

b) **MEASURE P, MP-01-02: COCHRANE-COYOTE ESTATES:** A request for Measure P allocations for Fiscal Year 2003-2004. The project is Phase 7 of the "Coyote Estates" development and consists of 24 single-family residential dwellings on a portion of a 69.54 site located on the northeast corner of Cochrane and Peet Rds. Score 178: SP Linder noted there was a scoring adjustments for this application, resulting in an additional point in the category of Lot Layout; she explained that the original point had been 14 in this category, but had been increased to 15 as a result of a math error. Making similar general comments regarding this project (Coyote Creek Estates has been an on-going project since its original allocation for building allotments received in the October 1, 1994 Measure P Competition. The Coyote Creek Estates Project is on land that was within the original Cochrane Road Assessment District.), Mr. Oliver turned attention to Item 2b, MP-01-02: Coyote Estates Project, providing the following comments:

Page 11, Open Space, item 1(c): As denoted on the overall site plan there are at least two paths that are not public sidewalks that access internal parks. They are along the west side of Peet Road and at the new tennis court park. Additional private paths connect all the ends of the cul-de-sacs through the large interior park. One additional point should be awarded, although this would not affect the overall score since this subsection is maxed out.

Page 53, Quality of Construction, item 5: This item has not been scored by staff, since it is reserved to the Commission. Since Coyote Estates is over 50% built out, we suggest a site visit prior to making your determination, especially since site plans that are initially proposed are often substantially modified prior to building. The Coyote Estates overall plan has a good mix of one story homes, single loaded streets to protect adjoining open space view and access, significant open space dedications were made to the County, and in addition the Project provides custom lots available to outside builders and individuals. We believe that Coyote Estates merits your subjective point score; however, unless a point is loss elsewhere in this category, the overall score would not change.

Page 54, Lot Layout, item 1 .a: Mr. Oliver requested staff to correct what appears to be a typo: 1 point should have been noted. I believe, he said, this was scored as 1 point, so no adjustment needs to be made to this subsection or to the final score.

Page 56, Lot Layout, item 2.a: Coyote Estates received the point in this subsection in the last four Measure P Competitions, Mr. Oliver remarked. He wondered if the

methodology had changed, and resultant in time being too short for modification of the street pattern or the location of open space elements. Staff now scores this category, Mr. Oliver commented, by counting the number of lots that front on open space. "I do not believe that such a methodology is totally consistent with the objective or the criteria. Open space views are not just from the front lawns, in fact most living areas other than the living and dining rooms face the rear of the lots, and those areas are where most of the living takes place. Views to open space are also created by street patterns, the proximity of open space and hills and mountains to the project residents, and the ability of those who walk and drive by and through the project to view the open space. By this standard, which we submit is a more appropriate methodology, Coyote Estates has by having single loaded streets fronting all the County park land and open space, by creating many of the cul-de-sacs opening into private open spaces, by having an over abundance of one story houses, and providing view corridors and vistas from the rear of so many of the houses that the views to open spaces far exceed most other projects and should merit an additional +1 point," Mr. Oliver concluded .

Page 59, Circulation, item 2: This item regards a bus stop. Mr. Oliver indicated that he has argued in years past, there is a requirement to install the bus stop, since it is on a future VTA bus route; however, since it is not presently designated, no point is awarded. That seems patently unfair. Possible 1 point adjustment.

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Circulation Page 61, item 3.d: We believe, Mr. Oliver said, that this is incorrectly scored. Malaguerra Road was a stub street that dead ended at the Boys Ranch. Coyote Estates was required and did make a connection that made Malaguerra a through street, connecting it to Morning Star Drive. In addition, we did obtain a dedication from the County and completed full street improvements for Eagle View Drive which were not required. He said that seems patently unfair. Mr. Oliver asked if it were possible for a 1 point adjustment to be made? An additional +1 point should be awarded; however, since this subsection has reached the maximum, this would not affect the overall scoring.

Commissioners took this time to comment on the value of the view corridor, which they felt to be of great benefit to the community.

Commissioner Lyle called attention that it was an intent to put language into the development agreement on page 19 so that advantage was provided to the project(s).

e) **MEASURE P, MP-01-05: LLAGAS-DELCO BUILDERS:** A request for Measure P allocations for Fiscal Year 2003-2004. The project is Phase 4 of the previously approved "Monte Villa" development located on the south side of Llagas Road, west of Hale Avenue, opposite Shadowbrook Way. Phase 4 will extend west to Hale Avenue, approximately 700 feet south of Llagas Road and will consist of 16 single family attached dwelling units. Score 176: SP Linder explained that originally the scoring had been 172, but with review an additional 3 points had been given in Housing Types and an additional 1 point increased the Lot Layout category, resulting in a recalculated score of 176.

Phil Rowe, project applicant, thanked staff for the effort put into the scoring of their application into this years' Measure P process. However, he indicated, "We have

reviewed the initial scores and justifications for each item and we feel that a number of items should be revisited We hope to achieve a score high enough to be awarded the final 16 allocations needed to complete this project.”

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Orderly and Contiguous Page 17, Item B.3: Mr. Rowe stated that they have an approved tentative map and development agreement on the adjacent site to the south known as "Twin Oaks". This site is to be developed by Delco as soon as a Final Map is approved. We included the "Twin Oaks" and its dedicated open space located to the west of the Santa Clara Valley Water District easement and the “Monte Villa” permanent open space area as adjacent developed property in our calculations to total 1,182 feet. This is based on the fact that Mardel is the developer of "Twin Oaks" and we have signed a development agreement with the City. We request that the Commission revisit these criteria and award the additional 1 point.

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Natural and Environmental Page 66, Item B. 1.b: Mr. Rowe stated the project did receive 1 point for this criterion in the last two Measure P reviews. Last year the Planning Commission awarded this point for satisfying the criteria and we received a total of 15 points in Natural and Environmental. The criteria in this category have not changed since last years RDCS review and the project is consistent with last year's application. Staff denial of the point is inconsistent and we request the same point as last year for this item, for a total of 15 points.

Commissioners discussed the necessity of being careful at the time of orientation in discussion with the developers to ensure that items under discussion were clearly, accurately, and concisely understood by all.

Commissioner Lyle said it is very important to stress that the discussions at orientation may be just that, discussion; not decisions blessed by the Commission, but thoughts and shared ideas.

**k) MEASURE P, MP-01-11: SUNNYSIDE-SOUTH VALLEY DEVELOPERS:**

A request for Measure P allocations for Fiscal Year 2003-2004. The project consists of Phase 2 ( 24 units) of the 54 unit single family “Quail Creek” development proposed on a 13.01 acre site located at the northeasterly corner of Sunnyside Avenue and Watsonville Road. Score 175: There was no scoring adjustment, SP Linder indicated.

Scott Schilling, 16060 Caputo Dr. #160, applicant, was present to address the Commissioners on Lot Layout Criteria 2.a, "Located streets and arranges units to provide access to and views of open space, parks, and water ways within or adjacent to the project." Mr. Schilling requested consideration of this item for the Quail Creek project. There are many view corridors that are created by the lot layout of the project. The ample greenbelts around the project and the park area provide view corridors to the surrounding hillsides to the west. Significant view corridors and greenbelts are provided for public benefit within and adjacent to the project. This project should merit 1 point under this criteria, he said.

With greenbelts always a concern for area residents, Commissioners questioned staff if this criteria as presented differed greatly from last year? Mr. Schilling joined the

discussion, providing graphics to indicate the cause of his concern.

Commissioner Lyle brought up the issue of attached units on page 54, fl, noting that this project appears to be in conflict with the general plan. Mr. Schilling responded that this project was comparable with the Warmington project of last year. Responding to a question, he said it was the intent to ~~sprinkle~~ spread attached units throughout the project.

Regarding the scoring, SP Linder said that this project was rated superior to above average. Commissioner Lyle and Chair Sullivan thought the project was not superior. Other Commissioners indicated the rating was fine.

**d) MEASURE P, MP-01-04: TILTON-GLENROCK/SHEA HOMES:** A request for Measure P allocations for Fiscal Year 2003-2004. The project is Phases 4 & 5 of the "Capriano" development and consists of 80 single family homes and 48 multi family homes located on a 54 acre portion of a 67 acre site located on the west side of Hale Ave., south of Tilton Ave. and east of Monterey Rd. Score 171: While no scoring change was indicated, SP Linder noted that considerable interest has been shown in this project.

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Rocke Garcia, P. O. Box 910, applicant, and Bill McClintock, PO Box 1029, of MH Engineering, appeared to ask for reconsideration of the scoring in the following items for the reasons listed:

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Schools, 3a: A bid and plan included in the application/supplemental materials, Mr. Garcia said, support this item. The bid includes monies for the concrete walkway listed on the application. As the cost exceeds \$25,000, we believe this meets the criteria of \$1,000 per unit, he said, and requested an additional 1 point.

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Orderly and Contiguous, 4: Our application is only for Glenrock Builders, Inc. property. The Berryessa, Silveria/Morgante properties are outside our boundaries, Mr. Garcia indicated. We do not exceed the number of units in the original development plan and we are a subsequent phase of an existing project. We request 2 points for this item 5. The Active Park, almost 4 acres, as approved in Tract 9234, is meant to be the noisier of the parks and consequently furthest from the planned homes. The Active Park is separated from our homes by the Wetlands and Filtration Basin. The Passive Park, almost 2 acres, is centrally located and from curb-to-curb (140') is as wide as a football field and it is two football fields in length, Mr. Garcia said in making the request. Internal circulation meets all City standards; Tilton, per the new General Plan, is proposed to be cul de sac and will close the RR crossing. We are proposing to elbow Tilton south to Saffron Drive, which will provide a looping pattern of circulation. Staff has confirmed that the City has applied to the Public Utilities Commission to open Madrone Parkway across the RR, which would close the Tilton RR crossing.

Mr. Garcia reminded it is also recommended in the provided criteria that Schools not be located on cul-de-sacs; elbowing Tilton onto Saffron provides for an additional exit route from Burnett School. We have minimized the curb cuts on Dougherty Avenue, which is the secondary entrance to Madrone Crossing. Most of the units across Dougherty from the Carriage Homes are side on units and are close to the minimum in lot size (12,000 sq. ft.). Because of this rationale, Mr. Garcia requested 1 point.

Lot Layout, 1f: Open Space is planned for the entire east boundary and the entire west boundary (Fisher Creek Linear Park Chain and the Active Park). Our Central Park (the Passive Park) contains almost two acres and is in the heart of Madrone Crossing/Capriano. The Wetlands area is isolated and must back onto the Carriage Homes per H.T. Harvey, the Regional Water Quality Control Board, and Fish and Game.

The duet custom homes have been designed and were submitted in the original application. These are not custom lots for sale to other builders; we will build and sell these units with the other Carriage Homes. The stacked condominiums for the BMRs in the Carriage Homes were designed to meet the layout of the Carriage Homes: attached garages in the rear with direct access to each unit; ground floor front door entry for each unit and on opposite sides of the building. In our opinion you will not be able to differentiate from the other Carriage Homes. We request 2 points, Mr. Garcia said.

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Circulation Efficiency, 5c: The Berryessa, Morgante/Silveria properties are outside the boundaries of Madrone Crossing/Capriano, referencing the MH Engineering's letter and the First American Title Company letters. These points have been granted to us in previous Measure P applications. The Berryessa, Silveria/Morgante properties have committed to dedicate and improve their full frontage on Tilton Avenue. Two points were requested on this item.

At Mr. Garcia's request, Bill McClintock had submitted a letter addressing some of the scoring issues and possible rejection of application issues in this Measure P application. In the letter, Mr. McClintock indicated the most serious issue is regarding the inclusion of the Berryessa and Morgante/Silveria (BMS) properties located on Tilton Avenue into the application, which creates 158 single-family, detached residential units when only 155 single-family, detached units were allowed under the approved RPD zoning agreement, notwithstanding the zoning application which was filed in December 2000 and not processed to clear up some of the design elements in this application under an updated RPD agreement. First of all, he said, the 155 unit limit was on the original project boundaries, which excluded the BMS properties. These BMS properties are entitled to some development as well, if not just the 3 existing parcel exemptions allowed under Measure P. Three existing lot exemptions, plus 155 approved units in the RPD allows at least 158 units, which is what is shown on the current application. Secondly, the BMS properties were not intended to be shown within the project boundaries, as the boundary layer was inadvertently turned off and not plotted on any of the drawings. Site development plan plotted with the boundaries turned on were indicated in Mr. McClintock's presentation to the Commission. The BMS properties are in separate title than the project area, and the owners of the BMS properties have only signed the agreement letter for dedication and offsite improvement for this application and previous applications. These owners of record did not sign the application as applicants. Staff and the applicant did not find this out at submittal time.

In conclusion, Mr. McClintock said, the BMS properties are not in the project boundaries this year or in any previous years application and any points that were not awarded, such as circulation efficiency, page 64, criteria 5c, for commitments

to improve and dedicate offsite streets, should be reconsidered. The density issue relative to the current RPD approval should not be an issue at all since the 155 units RPD did not include the BMS properties and they are entitled to at least 3 parcels as existing lots, giving a total count of allowed single-family detached of 158, exactly what the current application proposes.

Mr. Garcia explained the differences between last year's presentation and the current one. SP Linder provided the perspective of staff regarding the project and explained the rationale for the scoring.

Commissioner Mueller said he believes much has changed regarding this project. Mr. Garcia responded that nothing has changed, but there have been some adjustments. Commissioner Mueller said he has a problem with *not* calling this an on-going project when no land has been added; the boundaries have not changed, he insisted. How, he asked, can the project have changed if the boundaries do not change?

Commissioner Weston said that it is 'odd' that the existing homes were not shown on the lots. He indicated that while the developer has agreements for the lot line adjustment, he has concerns about the project as is presented today.

Considerable discussion was had regarding the project application of 1998 and the current one.

Commissioner Lyle asked about the sidewalks and safe walking routes. SE Creer explained the various route and nuances of the traffic and circulation categories related to the project.

Commissioners Lyle, Benich, McMahon and Weston indicated that as the plan now exists, no point would be awarded regarding the safe walking route. Commissioners Acevedo and Mueller felt strongly that the item should be reviewed on basis of what was planned.

In the area of Housing, it was noted that the plan presented was not in conformity with the code, as granny units are not permitted with carriage houses. **Commissioner Lyle also raised the following issue for Housing Type criteria number 2: Housing needs has special language encouraging/allowing joint ventures with non-profits to get maximum points under different, affordable scenarios. He stated, this language is not currently present in the Housing Types section (but should be added). Continuing, Commissioner Lyle said, "If the project proceeds with the joint project it should get the 3 points the applicant requested. "If the project provides the alternative commitment stated in Housing Needs it should continue to get the 4 points."**

Mr. Garcia called attention to the fact that he is in partnership with a non-profit agency, indicating that on page 38 of his application this was clearly stated.

Commissioner Lyle requested discussion regarding circulation efficiency, stating that he felt a better way to provide safety was to use alternative routes. SE Creer provided insight into the extensive discussion among Commissioners that followed regarding the matter. The majority of Commissioners agreed that, as presented, the circulation efficiency

patterns presented were acceptable. Commissioner Lyle said it is important to achieve consistency in dealing with this matter.

With no others to address the items under discussion, the public hearing was closed.

Commissioner McMahon was excused at 10:05 p.m.

Staff was asked to verify, study and examine the following items:

- By checking with the School District, the 1.5 miles distance to the schools listed in the various applications.
- Composition materials for sidewalks
- Whether sidewalks must be in place for an application to be deemed complete or could be planned for the future
- Define view corridor criteria for next year
- Pro-rating of TDCs (Commissioner Mueller signaled his dissatisfaction with 'where we are on this subject')
- Purchase of TDCs (In discussion of a parcel containing a combination of R1 and R2, Commissioners Acevedo and Mueller stated beliefs that the matter must be dealt with by pro-rating this application cycle; Commissioners Benich, Weston and Chair Sullivan expressed thoughts that a literal interpretation must be had with possible pro-rating next year; Commissioner Lyle said he could go either way, but indicated that it was probably fairer to do the pro-rating as is written - not in the future.)
- At Mr. Oliver's request, the issue of attached units in the Housing category was given to staff to revisit.
- The value of trees and types of trees for new projects.

**a) MEASURE P, MP-01-01: PEET-ALICANTE:** A request for Measure P allocations for Fiscal Year 2003-2004. The project consists of 20 single-family dwellings on a portion of a 47.99 acre site at the southeast corner of Cochrane Road and Peet Avenue. Score 169.

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Lot Layout, item 1.f. Mr. Oliver reminded that the project had lost one point under this subsection because of the dog leg cul-de-sac. We agreed during the Staff Meeting with Developers to connect the dog leg cul-de-sac to the adjacent thru street, he said. Mr Oliver commented, "The Project scored two points last year in this subsection. Due to changes made in the overall master plan at the request of the City and Morgan Hill School District (discussed in a previous meeting with the Planning Commissioners), the Project has lost a point." Mr. Oliver stressed that he believes the Project deserves +1 point in this subsection because of external problems over which he has no control.

Commissioner Lyle questioned Orderly and Contiguous on page 21, following a question by Mr. Oliver on the same issue on page 52 of his application. SP Linder said that in discussion with Associate Planner Rebecca Tolentino, they had discovered that the developer met the intent of zoning on page 51.

#### **ANNOUNCEMENTS:**

SP Linder reported that in hearing the Sunnyside Project request, the City Council had differed from the Commission and placed the street to be in alignment with Sycamore.

**ADJOURNMENT:** There being no further business, Chair Sullivan adjourned the meeting at 10:30 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**JUDI H. JOHNSON, Minutes Clerk**

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